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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,520	08/30/2001	Mark Moir	BAI525505/01771	9024

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HEAD, JOHNSON & KACHIGIAN
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/943,520	Applicant(s) MOIR, MARK	
	Examiner Michael Van Handel	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-5, 7-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al.

Referring to claims **1, 5, 9, 10, and 11**, Hendricks et al. discloses a television program selection system/method (terminal for television program delivery systems that suggests programs for viewing)(col. 2, l. 39-41), said system comprising: a remote control device for use by the system user to allow the selection of a television program by interaction with a display screen (col. 4, l. 45-59) and a broadcast data receiver for the generation of audio, visual and auxiliary data from digital data received from a broadcast service provider (col. 5, l. 17-35)(col. 10, l. 39-46)(col. 14, l. 34)(Fig. 4), and a means for the user selecting a viewing time period from a number of time period options which suits the users availability (col. 34, l. 34-38)(Fig. 12c) and, in response to the selected viewing time period, the system determines from the group consisting of programs in their entirety, substantially in their entirety or with respect to other selected criteria which programs are available to be watched in the viewing time period and indicates any such programs to the user (col. 36, l. 25-29)

. Referring to claim **2**, Hendricks et al. discloses a system according to claim 1, wherein the indicated programs are those which are suitable for viewing in their entirety in the selected

Art Unit: 2617

viewing time period and the user can then select one of said indicated programs for viewing (col. 37, l. 5-13).

Referring to claim 3, Hendricks et al. discloses a system according to claim 1, wherein a message ("No Selections" in 1170) is displayed on the screen to indicate to the user that programs in their entirety are unavailable for viewing (Figs. 11a-11d).

Referring to claim 4, Hendricks et al. discloses a system according to claim 1, wherein the user can redefine the viewing time period and repeat the program search in the event programs are unavailable (col. 32, l. 44-50).

Referring to claim 5, Hendricks et al. discloses a system according to claim 1, wherein the user may select the viewing time period for which said television system identifies suitable programs (col. 34, l. 34-38)(Fig. 12c).

Referring to claims 7 and 8, Hendricks et al. discloses a system according to claim 1, wherein the user can insert start and end times of a future viewing time period which their viewing time is to be limited to into the television system (the examiner notes that by selecting X hour time periods for a certain day the user is selecting both the start and end times of the viewing period)(col. 31, l. 58-63).

Referring to claim 12, Hendricks et al. discloses a method according to claim 11, wherein the system searches for suitable programs which can be generated from data previously received and held in memory means in the broadcast data receiver which forms part of the television system, and programs which can be generated from data currently transmitted to the system (the examiner notes that programs and control signals can be placed in local storage or executed immediately)(col. 9, l. 53-59).

Referring to claim 13, Hendricks et al. discloses a method according to claim 11, wherein the method includes the additional step of allowing the user to input into the television system the type or types, in terms of user specified criteria, of programs they would like to watch during the selected time period (col. 31, l. 24-33)(Fig. 11a).

Referring to claim 14, Hendricks et al. discloses a method according to claim 11, wherein the search for the programs is made with respect to data received from the broadcast service provider for use in the generation of an electronic program guide on the display screen, the data including start and end times of all the programs available for viewing and which start and end times can be compared with the start and end times of the selected viewing period (col. 20, l. 57-67)(col. 21, l. 1-20).

Referring to claim 15, Hendricks et al. discloses a method according to claim 11, wherein if the user does not wish to watch the program or programs indicated by the television system, the television system can be used in a normal manner with the user manually selecting a program to watch regardless of whether it matches the selected viewing time period (col. 11, l. 50-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Omoigui.

Referring to claim 6, Hendricks et al. discloses a system according to claim 1. Hendricks et al. does not disclose that the selected viewing time period starts at the instant of the user interaction with the system to select the viewing period such that the user only has to indicate the end time of the period. Omoigui discloses a searchable content database 112 that maintains information identifying currently available live presentations and their durations (the examiner notes that the user is able to search any of the fields in the content database)(p. 4, paragraphs 42-44, 50)(Fig. 4). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hendricks et al. to include searching a duration field based on presentations that are currently available such as that taught by Omoigui in order to allow a user to identify non-scheduled, live presentations (p. 1, paragraph 5).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sklar et al. discloses a receiving station capable of receiving broadcast entertainment signals on an aircraft that determines whether a program will have time to finish before the aircraft leaves the coverage area.

Mori et al. discloses a program preselecting apparatus for automatically preselecting programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.


Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2617

MVH


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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